

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, DECEMBER 18, 2013**

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

2. HEARINGS TO BE HELD AT THE LIQUOR COMMISISON, 50 STORRS STREETS, CONCORD, NH:

Date to be determined:

Wally's Pub, 144 Ashworth Avenue, Hampton, NH.

Restaurant Full Service With Lounge License #1286503 licensed pursuant to

RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 179:23, IV – failed to have an affidavit for the person to be in charge of the premises on file with the Commission.

Date of violation: March 7 - 8, 2013.

Case #s: 13-78-OF & 13-79-OF.

Hearing date: October 17, 2013.

DECISION AND ORDER DATED OCTOBER 23, 2013: \$2,000 ADMINISTRATIVE FINE WITH \$1,000 SUSPEND FOR 12 MONTHS PENDING NO LIKE VIOLATION, 10-DAY SUSPENSION OF LIQUOR LICENSE WITH 6 DAYS HELD IN ABEYANCE FOR 12 MONTHS PENDING NO LIKE VIOLATION AND AFFIDAVITS FOR ALL PERSONS IN CHARGE TO BE FILED WITH THE DIVISION OF ENFORCMENT & LICENSING WITHIN 30 DAYS; LICENSEE MAY APPEAL WITHIN 30 DAYS.

SUSPENSION STAYED UNTIL NOVEMBER 22, 2013; IF NO APPEAL IS FILED, NEW SUSPENSION DATES WILL BE IMPOSED.

LICENSEE'S REQUEST FOR APPEAL RECEIVED ON NOVEMBER 22, 2013.

**HEARINGS HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING,
21 SOUTH FRUIT STREET, CONCORD, NH:**

Date to be determined:

a. Cannon Mountain View Above The Notch, 729 Main Street, Franconia, NH.

Restaurant Full Service With Lounge License #1271203 licensed pursuant to

RSA 178:21, II(a)(1)/RSA 178:22, V(q).

License Revocation Hearing and Felon Exception Revocation for Raymond Fredericksen, III.

HEARING ON FELON EXCEPTION REVOCATION WAS SCHEDULED FOR NOVEMBER 21, 2013 AND POSTPONED PENDING FELON'S CRIMINAL TRIAL; NOTICE OF IMMEDIATE SUSPENSION OF LIQUOR LICENSE WAS ISSUED NOVEMBER 22, 2013; HEARING ON THE STATUS OF LIQUOR LICENSE WAS HELD NOVEMBER 27, 2013; MOTION TO CONTINUE WAS FILED BY LICENSEE AND GRANTED; HEARING RESCEDULED FOR DECEMBER 2, 2013; LICENSEE FILED AN OBJECTION AND MOTION TO DISMISS WITH PREJUDICE THE IMMEDIATE SUSPENION; MOTION GRANTED; HEARING FOR REVOCATION OF LIQUOR LICENSE SCHEDULED FOR DECEMBER 19, 2013 AT 9:30 AM; **LICENSEE FILED SECOND MOTION TO CONTINUE ON DECEMBE 6, 2013; DIVISION'S RESPONSE TO LICENSEE'S MOTION TO CONTINUE FILED 12/16/2013; HEARING CONTINUED TO A DATE YET TO BE DETERMINED; MOTION FOR RECONSIDERATION RELATIVE TO FELON EXCEPTION REVOCATION FILED BY LICENSEE ON DECEMBER 10, 2013; MOTION FOR RECONSIDERATION OF DISMISSAL BEING ISSUED WITHOUT PREJUDICE FILED BY LICENSEE ON DECEMBER 11, 2013.**

January 16, 2014 @ 9:30 a.m.

- b. **Penuche's Ale House, 91 Marlboro Street, Keene, NH.**
Restaurant On-Premise Beverage/Wine/Liquor License #440103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:17 – allowed the sale and consumption of alcoholic beverage on the premise after the expiration of the serving hour.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 178:21, II(a)(1) – failed to have full course meals readily available, promoted and served to tables.
Dates of violations: March 1, 2013, May 4, 2013, August, 31, 2013 & September 20, 2013.
Case #: 13-65-OF, 13-143-OF, 13-235-OF & 13-276-OF.
MOTION TO CONTINUE HEARING ON DECEMBER 19, 2013 FILED BY LICENSEE ON DECEMBER 2, 2013 AND GRANTED; HEARING RESCHEDULED FOR JANUARY 16, 2014 AT 9:30 A.M.

January 16, 2014 @ 10:30 a.m.

- c. **Penuche's Ale House, 16 Bicentennial Square, Concord, NH.**
Restaurant On-Premise Beverage/Wine/Liquor License #1092203 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violations: August, 18, 2013.
Case #: 12-282-OF.
MOTION TO CONTINUE HEARING ON DECEMBER 19, 2013 FILED BY LICENSEE ON DECEMBER 2, 2013 AND GRANTED; HEARING RESCHEDULED FOR JANUARY 16, 2014 AT 10:30 A.M.

Date to be determined:

- d. **Tony Clamato's Café Roma, 15 Court Street, Keene, NH.**
Restaurant Full Service With Lounge License #1223603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: May 3, 2013.
Case #: 13-142-OF.
POSTPONED.

3. WARNING LETTERS/FINES/SUSPENSIONS/MANDATORY TRAINING FOR COMMISSION APPROVAL:

Samantha's Inn, 1536 White Mountain Highway, Tamworth, NH.
Hotel Full Service With Lounge License #367802 licensed pursuant to RSA 178:21, II(b)(1)/178:22, V(k).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violations: March 6, 2012.
Case #: 12-95-OF.
PRE-HEARING CONFERENCE HELD ON NOVEMBER 21, 2013; SETTLEMENT IS PENDING;
SETTLEMENT REACHED BUT LICENSEE HAS FAILED TO EXECUTE SETTLEMENT AGREEMENT.

4. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. American Legion Post 29, 119 Broad Street, Claremont, NH.
Veterans Club License #17139 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22/Liq. 501.05 – failed to have a guest sign in.
Date of violation: November 23, 2013.
Case #: 13-382-OF.
\$100 administrative fine paid.
- b. Butternuts Beer & Ale, 4020 State Highway 51, Garrattsville, NY.
Beverage Vendor License #51531 licensed pursuant to RSA 178:15.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 9, 2013.
Case #: 13-375-OF.
\$100 administrative fine paid.
- c. Don Quijote Restaurant, 333 Valley Street, Manchester, NH.
Restaurant Full Service With Lounge License #1299403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Date of violation: November 27, 2013.
Case #: 13-386-OF.
\$250 administrative fine paid.
- d. Foods Plus, 5 Plaistow Road, Plaistow, NH.
Combination Off-Premises Beverage/Wine/Tobacco #855247 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of Liq. 404.02 – failed to have and maintain at least \$3,000 wholesale value of groceries commonly found in such stores and readily available to the public.
Date of violation: November 14, 2013.
Case #: 13-359-OF.
\$100 administrative fine paid.
- e. Lazy Lion Café, 4 North Road, Deerfield, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1367203 licensed pursuant to RSA 178:21.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 6, 2013.
Case #: 13-368-OF.
\$100 administrative fine paid.
- f. Loyal Order Of Moose, 15 School Street, Hillsborough, NH.
Social Club License #20101 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22/Liq. 501.05 – failed to have a guest sign in.
Date of violation: October 25, 2013.
Case #: 13-343-OF.
\$100 administrative fine paid.

- g. Murphy's Mobil, 346 Whittier Highway, Moultonborough, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3024347 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: April 2, 2013.
Case #: 13-380-OF.
\$100 administrative fine paid.
- h. Nan King Restaurant, 222 Central Street, Hudson, NH.
Restaurant Full Service With Lounge License #277703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: November 15, 2013.
Case #: 13-362-OF.
\$250 administrative fine paid.
- i. Nashua Garden Bar & Grill, 121 Main Street, Nashua, NH.
Restaurant Beverage and Wine License #1072103 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: November 7, 2013.
Case #: 13-351-OF.
\$100 administrative fine paid.
- j. Plymouth House Of Pizza, 45 Main Street, Plymouth, NH.
Restaurant Full Service With Lounge License #268003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: October 5, 2013.
Case #: 13-294-OF.
\$500 administrative fine paid.
- k. Sausage King Of Nashua, 53 Main Street, Nashua, NH.
Restaurant Beverage and Wine License #1438903 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: August 9, 2013.
Case #: 13-213-OF.
\$250 administrative fine paid.
- l. Thai Garden, 118 Main Street, Keene, NH.
Restaurant Beverage and Wine License #1066203 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: October 30, 2013.
Case #: 13-347-OF.
\$100 administrative fine paid.

- m. Wicked Twisted, 38 East Hollis Street, Nashua, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1473603 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: November 15, 2013.
Case #: 13-364-OF.
\$250 administrative fine paid.
- n. Yankee Chef, 321 Nashua Street, Milford, NH
Restaurant Beverage and Wine License #1265303 licensed pursuant to RSA 178:20.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 5, 2013.
Case #: 13-367-OF.
\$100 administrative fine paid.

5. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

Hollis:

Hatch Convenience Store, 85 Runnells Bridge Road, Hollis, NH.
Combination Off-Premises Beverage/Wine/Tobacco #729347 licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: November 22, 2013.
Case #: 13-354-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

Merrimack County:

- a. Suncook River Convenience, 270 Pinewood Road, Allenstown, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3151447 licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: October 17, 2013.
Case #: 13-303-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- b. VFW Post 1698, 26 Peabody Place, Franklin, NH.
Veterans Club License #21039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: October 17, 2013.
Case #: 13-303-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

Cheshire County:

Big S Discount Store, 48 Manning Hill, Winchester, NH.

Combination Off-Premises Beverage/Wine/Tobacco #784447 licensed pursuant to RSA 178:18/126-K:4.

Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.

Date of violation: September 26, 2013.

Case #: 13-277-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

Manchester:

a. Lakeview Gulf, 219 Londonderry Turnpike, Manchester, NH.

Combination Off-Premises Beverage/Wine/Tobacco #777847 licensed pursuant to RSA 178:18/126-K:4.

Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.

Date of violation: September 18, 2013.

Case #: 13-256-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

b. Spider Bite, 435 Elm Street, Manchester, NH.

Retail Tobacco License #654317 licensed pursuant to RSA 126-K:4.

Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.

Date of violation: September 18, 2013.

Case #: 13-256-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

Rockingham County:

a. Mayo's Market, 183 Main Street, Danville, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3108047 licensed pursuant to RSA 178:18/126-K:4.

Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.

Date of violation: September 21, 2013.

Case #: 13-264-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

b. Northwood Country Market, 1380 1st NH Turnpike, Northwood, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3235147 licensed pursuant to RSA 178:18/126-K:4.

Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.

Date of violation: September 21, 2013.

Case #: 13-264-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Dot's Bread 'N' Butter LLC, 138 Main Street, Ashland, NH 03217.
Issued Restaurant On-Premise Beverage/Wine License #1477703 pursuant to RSA 178:20.
- b. Saltwater Bar & Bistro LLC, 85 Central Street, Woodsville, NH 03785.
Issued Restaurant On-Premise Beverage/Wine License #1478203 pursuant to RSA 178:20.

9. NOTIFICATION OF APPROVED SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING DECEMBER 16, 2013: 1,041

- a. Ariola Imports LLC DBA Ariola Imports, 1831 Business Center Drive, Duarte, CA 91010.
Issued Direct Shipper Permit #8215633 pursuant to RSA 178:27.
- b. Bassam Salamh DBA Plaza Market, 2400 Peck Road, El Monte, CA 91732.
Issued Direct Shipper Permit #8215433 pursuant to RSA 178:27.
- c. Baxter Brewing Company, 130 Mill Street, Lewiston, ME 04240.
Issued Beverage Vendor License #61931 pursuant to RSA 178:15.
Manufacturer: Baxter Brewing Company.
- d. Hood River Distillers, Inc., 660 Riverside Drive, Hood River, OR 97031.
Issued Liquor Wine Vendor License #108845 pursuant to RSA 178:9.
- e. TC Vineyards, Inc. DBA Celani Family Vineyards,
42875 Grand River Avenue, Suite 201, Novi, MI 48375.
Issued Direct Shipper Permit #8215733 pursuant to RSA 178:27.
- f. Checkerboard Vineyards LLC DBA Checkerboard Vineyards,
4331 Azalea Springs Way, Calistoga, CA 94515.
Issued Direct Shipper Permit #8215833 pursuant to RSA 178:27.
- g. Herman Story Wines, Inc. DBA Herman Story, 1227 Paso Robles Street, Paso Robles, CA 93446.
Issued Direct Shipper Permit #8216033 pursuant to RSA 178:27.
- h. Page Springs Cellars, Inc. DBA Page Springs Cellars,
1500 N. Page Springs Road, Cornville, AZ 86325.
Issued Direct Shipper Permit #8215933 pursuant to RSA 178:27.
- i. Stonecushion, Inc. DBA Pezzi-King Winery, 3225 West Dry Creek Road, Healdsburg, CA 95448.
Issued Direct Shipper Permit #8215533 pursuant to RSA 178:27.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Canterbury Aleworks LLC, 305 Baptist Hill Road, Canterbury, NH 03224.
Nano Brewery, Beer and/or Specialty Beer License #200322 licensed pursuant to RSA 178:12-a.
Requested approval for authorization of other areas, to wit, Town of Tilton Winter Farmers' Market, 67 East Main Street, Tilton, NH every Saturday and Sunday from December 7, 2013 through March 28, 2014 from 10:00 am to 2:00 pm pursuant to RSA 178:24 and Liq. 404.05.
- b. Coffin Cellars LLC, 1224 Battle Street, Webster, NH 03303.
Wine Manufacturer Off-Premise Wine Only License #562930 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, City of Manchester Farmers' Market at the Radisson Hotel, 700 Elm Street, Manchester, NH on December 7 & 8, 2013 from 10:00 am to 4:30 pm pursuant to RSA 178:24 and Liq. 404.05.
- c. Craft Beer Guild LLC, 300 West Road, Portsmouth, NH 03801.
Wholesale Distributor License #283720 licensed pursuant to RSA 178:16.
Requested approval for authorization to transfer business location, to wit, close the current business and transfer it and its supplies from 300 West Road, Portsmouth, NH to the new location at 4 Cutts Street, Unit #4, Portsmouth, NH on December 16, 2013 pursuant to RSA 178:29, VIII.
- d. JPA III Management Co., Inc. DBA Radisson Hotel @ Center of NH, 700 Elm Street, Manchester, NH 03101.
Hotel On-Premise Cocktail Lounge License #214602 licensed pursuant to RSA 178:22, V(k).
Requested approval for authorization of other areas, to wit, during a holiday party, guests be allowed, with security staff, to carry their alcoholic drinks from the Expo Center to the Café/Ballrooms and back to the Expo Center; staff will control people carrying their drinks from area to area pursuant to RSA 178:24 and Liq. 404.05.
- e. SAP House Meadery LLC, 6 Folsom Road, Center Ossipee, NH 03814.
Wine Manufacturer Off-Premise Wine Only License #563130 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, City of Manchester Farmers' Market at the Radisson Hotel, 700 Elm Street, Manchester, NH on December 7 & 8, 2013 from 10:00 am to 4:30 pm pursuant to RSA 178:24 and Liq. 404.05.
- f. JHL Restaurant Group, Inc. DBA Weirs Beach Lobster Pound, 70 Endicott Street, Laconia, NH 03246.
Restaurant On-Premise Beverage/Wine/Liquor License #319803 licensed pursuant to RSA 178:21.
Requested approval for an outside area, to wit, an outside area with a capacity of 250 pursuant to RSA 178:24 and Liq. 404.05.

12. FELON EXCEPTIONS FOR COMMISSION APPROVAL:

None

13. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. HEARING RESULTS:

Time Out Sports Bar & Grill, 101 Mulberry Street, Claremont, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1403303 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 18, 2012.
Case #: 12-228-OF.

THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A CONTINUANCE DUE TO THE UNAVAILABILITY OF WITNESSES; HEARING HELD NOVEMBER 21, 2013.

DECISION AND ORDER DATED DECEMBER 4, 2013: \$500 ADMINISTRATIVE FINE SUSPENDED FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION, FOUR (4) POINTS ASSESSED TO THE LIQUOR LICENSE AND A FOUR (4) DAY SUSPENSION OF LIQUOR LICENSE HELD IN ABEYANCE FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION; ALL PENALTIES ARE RETROACTIVE TO AUGUST 18, 2012.

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Young's General Store LLC, 2792 North Main Street, Pittsburg, NH 03592.
Agency Store Off-Premise Liquor Only License #980504 licensed pursuant to RSA 177:9.
Requests approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only license pursuant to RSA 177:9.
Recommendation: Approval.

COMMISSIONER MILLIGAN TABLED THIS ITEM; THE DIVISION OF ENFORCEMENT & LICENSING WILL CONTACT THE LICENSEE TO DETERMINE WHETHER THEY NEED ANY ASSISTANCE AND THEN WILL REPORT TO THE COMMISSION.

LT. SMITH CONTACTED THE LICENSEE ON DECEMBER 16, 2013 AND THEY HAD NO QUESTIONS OR CONCERNS AT THIS TIME.

17. FOR INFORMATION ONLY:

None

18. EXECUTIVE SESSION ITEMS:

None